IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12962 of 2004

Between:

Yechuri Venkateswara rao S/o Gurumurthy
Governmetn Degree College, r/o 46/7/23/1, danavaipeta, Rajahmundry,
East Godavari District

..... PETITIONER

AND

1 Circle Inspector, Law & Order Rajahmundry, East Godavari District
2 Khandavalli Krishna Kumar S/o Krupa Rao
S.V.G. Market Complex., RTC Bus Complex, Rajahmundry, East Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the Respondent No.1 at the instance of Respondent No.2 in harassing the petitioner return of alleged money paid at the time of sale of Plot No.3 in R.S. No. 753/1 A, & 1.A.2, Kolamuru Village, Rajahmundry Rural mandal as illegal, arbitrary and villative of Art.21 of Constitutionof India and consequently restrain the respondent's from harassing this petitioner except as per law.

Counsel for the Petitioner : MR. N.Vijay

Counsel for the Respondent No.1: GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.12962 OF 2004

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ORAL ORDER :

This writ petition is filed seeking a declaration that the alleged action of the first respondent at the instance of the second respondent in harassing the petitioner to return the alleged money paid at the time of sale of Plot No.3 in R.S.No.753/1.A & 1.A.2 of Kolamuru village, Rajahmundry rural mandal, East Godavari District as arbitrary and illegal.

On behalf of the first respondent, a counter-affidavit has been filed denying the allegations made by the petitioner. It is stated that after filing of the present writ petition, he made enquiries into the matter and found that the allegations made by the petitioner against the then Circle Inspector of Police, Rajahmundry town as to the alleged interference with the civil disputes are incorrect and false. It is also stated that as per his enquiries, the petitioner was not called by the then Circle Inspector of Police, Rajahmundry town circle on the dates mentioned by the petitioner or at any time demanding return of the money. It is further stated that neither the petitioner nor the second respondent has ever approached the police with any grievance or complaint against each other. As such, the question of interference by the police in the said civil disputes between the petitioner and the second respondent at any point of time does not arise.

In the light of the stand taken in the counter-affidavit denying the allegations made by the petitioner and particularly taking into consideration the fact that there is

change in the office of Circle Inspector of Police, nothing survives for adjudication on merits.

Accordingly, recording the statement of the 1st respondent in the counter-affidavit, Writ Petition is disposed of. No costs.

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13th September, 2004.

Gbs

To

1 Circle Inspector, Law & Order Rajahmundry, East Godavari District
2 Two CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad.(OUT)

3. Two CD copies.

THE HON'BLE MS. JUSTICE G.ROHINI

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